

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)
)
) 8:10CR146
Plaintiff,) 8:10CR425
)
vs.) ORDER
)
RICHARD COSTANZO,)
)
Defendant.)

This matter is before the court on the Petition for Action on Conditions of Pretrial Release (Filing No. [127](#) - 8:10CR146) and on the government's motion for detention following Costanzo's initial appearance on the Indictment (8:10CR425).

The court held a hearing on November 24, 2010. Costanzo was present with his counsel, James M. Davis. The government was represented by Assistant U.S. Attorney Sandra L. Denton. The court heard the testimony of Katie Halpenny and the defendant, on behalf of the defendant. The government presented the testimony of FBI Special Agent Michele Neiley. The court also received into evidence an FBI 302 report (Exhibit 1).

The court finds the allegation of witness tampering is generally true and Costanzo has violated the conditions of his release. Since the defendant cannot abide by simple conditions of release, I find Costanzo is unlikely to abide by any conditions of release and there is no other condition or combination of conditions that would reasonably assure Costanzo's presence for further proceedings or the safety of the community in the event he were released upon conditions.

IT IS ORDERED:

1. The Petition For Action on Conditions of Pretrial Release (Filing No. [127](#) - 8:10CR146) and the government's motion for detention in 8:10CR425 are granted.
2. The Order Setting Conditions of Release, as amended, of Richard Costanzo is hereby revoked.
3. The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending

appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 24th day of November, 2010.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge